

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

CHARLES BELLON,	:
Petitioner	:
v.	: Case No. 3:22-cv-44-KAP
MORRIS HOUSER, Superintendent,	:
S.C.I. Benner,	:
Respondent	:

Memorandum Order

The history of this matter was recently summarized at ECF no. 25 and is not repeated here. Pending are petitioner's motions since then for my recusal, ECF no. 27, to disqualify counsel for the respondent, ECF no. 28, and for an evidentiary hearing, ECF no. 37. The first is denied for the reason explained many times in denying petitioner's previous similar motions: adverse rulings do not form the basis for a recusal motion. The second is denied because the hypothetical conflict asserted by petitioner, if supported by allegations of fact, would be just that, a hypothetical conflict.

As for the third, it is denied as premature. Petitioner filed objections at ECF no. 26 to my order staying this matter, and more recently at ECF no. 36 suggested those objections may be moot because he does not plan to appeal the anticipated dismissal of his latest collateral attack on his conviction under Pennsylvania's Post Conviction Relief Act (PCRA), 42 Pa.C.S. §§ 9541–9546. When the PCRA is dismissed and the time for filing an appeal has run, petitioner should file a motion for relief from the stay.

The parties have the right to appeal within 14 days from this nondispositive Order under Rule 72(a) and 28 U.S.C. § 636(b)(1)(A).



DATE: February 5, 2025

Keith A. Pesto,
United States Magistrate Judge

Notice to counsel of record by ECF and by U.S. Mail to:

Charles Bellon FN-8112
S.C.I. Somerset
1590 Walters Mill Road
Somerset, PA 15510